

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4567

IN THE MATTER OF:

Served April 11, 1995

Application of DOUBLE DECKER BUS)
TOURS W.D.C., INC., Trading as)
DOUBLE DECKER BUS WASHINGTON, D.C.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-95-21

By application filed March 31, 1995, Double Decker Bus Tours W.D.C., Inc., a District of Columbia corporation trading as Double Decker Bus Washington, D.C., seeks a certificate of authority for irregular route operations in the Metropolitan District. The application is available for inspection at the office of the Commission during its regular business hours.

This is the second application filed by a corporation controlled by applicant's shareholders. The first was filed by WDC Sightseeing Tours, Inc. (WDC), in 1992. WDC proposed operating the same service that applicant proposes. WDC withdrew its application before decision.¹ WDC's application listed three other carriers controlled by applicant's shareholders at that time: New York Apple Tours, Inc., London Sightseeing Tours and Chicago Motor Coach Company. The application here does not state what has become of WDC and discloses an affiliation with New York Apple Tours only. Applicant will be directed to file a statement indicating whether and to what extent applicant's shareholders still control WDC Sightseeing Tours, Inc., London Sightseeing Tours, and Chicago Motor Coach Company.

Applicant's proposed tariff contains per capita rates for scheduled sightseeing service and hourly rates for unscheduled charter service. Applicant has not requested baggage authority even though it is not uncommon for charter passengers to carry luggage. Applicant will be directed to file a statement expressly requesting or declining authority to transport baggage in the same vehicles as passengers.

Applicant proposes commencing operations with six double-decker buses it has contracted to purchase from New York Apple Tours. The purchase is conditioned on applicant obtaining the necessary approvals to operate in DC, including approval from this Commission. Once those approvals have been obtained, New York Apple will deliver the buses to applicant in DC. Applicant, in turn, will execute a note for \$400,000 -- \$360,000 for the buses and \$40,000 in working capital. The note calls for payments of principal plus a management fee and is attached to the bus purchase contract as Schedule B. According to the notes accompanying applicant's financial statements, the management fee represents payment for New York Apple's providing management expertise as well as interest on the loan. The actual services to be performed by New York Apple, however, are nowhere described in the application.

¹ In re WDC Sightseeing Tours, Inc., No. AP-92-33, Order No. 4051 (Feb. 8, 1993).

Applicant will be directed to file a statement describing with particularity the management services New York Apple Tours, Inc., will provide in exchange for receiving that part of the management fee specified in Schedule B of the bus purchase contract which does not represent interest.

This proceeding is hereby initiated to determine whether applicant is fit, whether the proposed transportation is consistent with the public interest and whether the proposed common control of applicant and New York Apple Tours -- and, perhaps, others -- is consistent with the public interest.²

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than April 21, 1995, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than May 12, 1995, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

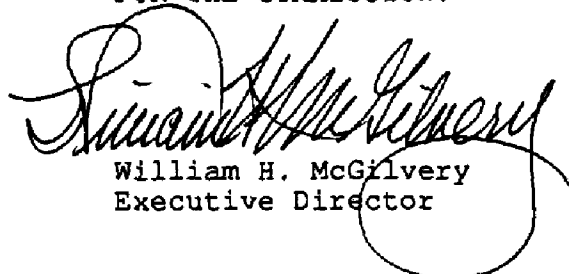
3. That applicant shall file with the Commission, no later than April 21, 1995, an original and four copies of a statement indicating whether and to what extent applicant's shareholders still control WDC Sightseeing Tours, Inc., London Sightseeing Tours, and Chicago Motor Coach Company.

4. That applicant shall file with the Commission, no later than April 21, 1995, an original and four copies of a statement expressly requesting or declining authority to transport baggage in the same vehicles as passengers.

5. That applicant shall file with the Commission, no later than April 21, 1995, an original and four copies of a statement describing with particularity the management services New York Apple Tours, Inc., will provide in exchange for receiving that part of the management fee specified in Schedule B of the bus purchase contract which does not represent interest.

6. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is May 12, 1995, and that copies must be served on applicant's attorney, Philip N. Margolius, Esquire, 1828 L Street, N.W., Suite 500, Washington, DC 20036.

FOR THE COMMISSION:



William H. McGilvery
Executive Director

² See In re Yellow Bus Serv., Inc., t/a Yellow Transp., No. AP-94-44, Order No. 4395 (Sept. 29, 1994) (application governed by Compact, tit. II, art. XI, § 7, art. XII, § 3, where applicant under common control with another carrier).